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MONTANA LEGISLATIVE HISTORY

Chapter 119 19 97

Bill H 385 S _____ Original bill & history ✓ C

H. Committee on Transportation

Hearing Date(s) 01 CD ✓ C

_____ C

_____ C

_____ C

Date Out _____ C

S. Committee on Highways + Transportation

Hearing Date(s) 3/6 ✓ C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? ___ Yes ✓ No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

115 *(House Bill No. 214; Grady)* AN ACT REVISING THE FUNDING AND COST REIMBURSEMENT PROVISIONS OF THE PETROLEUM TANK RELEASE COMPENSATION LAWS; CLARIFYING AND IMPOSING LIMITATIONS ON COST REIMBURSEMENT; AUTHORIZING LOANS BY THE BOARD OF INVESTMENTS TO THE PETROLEUM TANK RELEASE COMPENSATION BOARD; PLEDGING THE PETROLEUM STORAGE TANK CLEANUP FEES FOR LOAN REPAYMENT; AMENDING SECTIONS 75-11-307, 75-11-313, AND 75-11-318, MCA; AND PROVIDING AN EFFECTIVE DATE. 618

116 *(House Bill No. 225; Kitzenberg)* AN ACT ALLOWING THE INSTALLATION OF ABOVEGROUND STORAGE TANKS IN SMALL COMMUNITIES; AMENDING SECTION 50-3-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. 622

117 *(House Bill No. 262; Barnett)* AN ACT GENERALLY REVISING STATE BANKING LAW PERTAINING TO BRANCH BANKS; TRANSFERRING CERTAIN POWERS AND DUTIES FROM THE STATE BANKING BOARD TO THE DEPARTMENT OF COMMERCE; REQUIRING THE STATE BANKING BOARD TO CONDUCT A HEARING AT THE REQUEST OF PERSONS PROTESTING CERTAIN TRANSACTIONS PERTAINING TO BRANCH BANKS AND BANKS; MODIFYING THE PAYMENT OF ADMINISTRATIVE FEES BY BANKS, INVESTMENT COMPANIES, AND TRUST COMPANIES; ELIMINATING TRUST COMPANY EXAMINATION FEES; REVISING CONSOLIDATION OR MERGER PROVISIONS RELATING TO BANKS; REVISING PROVISIONS PERTAINING TO ACQUISITION OF FINANCIAL INSTITUTIONS BY A BANK HOLDING COMPANY NOT LOCATED IN THIS STATE; PROHIBITING INTERSTATE MERGER TRANSACTIONS UNTIL OCTOBER 1, 2001; AMENDING SECTIONS 32-1-104, 32-1-109, 32-1-202, 32-1-203, 32-1-204, 32-1-213, 32-1-218, 32-1-362, 32-1-371, 32-1-372, 32-1-376, 32-1-377, 32-1-383, 32-1-384, AND 32-1-423, MCA; REPEALING SECTIONS 32-6-304, 32-6-401, AND 32-6-402, MCA; AND PROVIDING EFFECTIVE DATES. 623

118 *(House Bill No. 340; Kottel)* AN ACT CLARIFYING THE PLACE OF REGISTRATION OF A DEATH CERTIFICATE; CLARIFYING THE PLACE AND TIME OF DEATH TO BE ENTERED ON A DEATH CERTIFICATE WHEN THE PLACE OR TIME IS UNKNOWN OR UNCERTAIN; REQUIRING MEDICAL CERTIFICATION TO BE COMPLETED WITHIN THE TIME SET BY RULE BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REQUIRING A CERTIFICATE TO SHOW THE DATE OF FILING RATHER THAN THE DATE OF REGISTRATION; AMENDING SECTIONS 50-15-121 AND 50-15-403, MCA; AND REPEALING SECTION 50-15-401, MCA. 634

119 *(House Bill No. 385; McCulloch)* AN ACT CLARIFYING WHEN A DRIVER BEING OVERTAKEN BY A VEHICLE ON THE LEFT SHALL GIVE WAY TO THE RIGHT; ALLOWING FOR A LEFT TURN INTO A PUBLIC OR PRIVATE PARKING LOT OR A ROADWAY ACROSS DOUBLE YELLOW LINES UNDER CERTAIN CONDITIONS; AND AMENDING SECTIONS 61-8-323 AND 61-8-328, MCA. 637

120 *(Senate Bill No. 7; Foster)* AN ACT GENERALLY REVISING THE ALLOCATION OF THE METAL MINES LICENSE TAX; CORRECTING AN OVERALLOCATION OF THE METAL MINES LICENSE TAX; PROVIDING THAT 15.5 PERCENT OF THE METAL MINES TAX IS DISTRIBUTED IN THE SAME MANNER AS THE RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT TAX; AMENDING SECTIONS 7-6-2225, 7-6-2226, 15-37-117, 20-9-231,

1/31	HEARING		
2/04	COMMITTEE REPORT—BILL PASSED		
2/15	2ND READING PASSED	77	21
2/18	3RD READING PASSED	83	17
	TRANSMITTED TO SENATE		
2/19	FIRST READING		
2/19	REFERRED TO TAXATION		
3/06	HEARING		
3/12	COMMITTEE REPORT—BILL CONCURRED		
3/18	2ND READING CONCURRED	41	8
3/19	3RD READING CONCURRED	43	7
	RETURNED TO HOUSE		
3/24	SIGNED BY SPEAKER		
3/25	SIGNED BY PRESIDENT		
3/25	TRANSMITTED TO GOVERNOR		
3/31	RETURNED TO HOUSE WITH GOVERNOR'S PROPOSED AMENDMENTS		
4/08	2ND READING GOVERNOR'S AMENDMENTS NOT CONCURRED	81	18
	SENATE		
4/10	MOTION TO CONCUR WITH GOVERNOR'S AMENDMENTS ON 2ND READING FAILED	18	32
4/10	2ND READING GOVERNOR'S AMENDMENTS NOT CONCURRED	32	18
4/11	TRANSMITTED TO GOVERNOR FOR RECONSIDERATION		
4/18	SIGNED BY GOVERNOR CHAPTER NUMBER 288 EFFECTIVE DATE: 04/18/97		

HB 385 INTRODUCED BY MCCULLOCH, ET AL. *LC1064 DRAFTER: KURTZ*

CLARIFY WHEN A DRIVER BEING OVERTAKEN BY A VEHICLE ON THE LEFT SHALL GIVE WAY TO THE RIGHT

1/28	INTRODUCED		
1/28	FIRST READING		
1/28	REFERRED TO TRANSPORTATION		
2/07	HEARING		
2/12	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/14	2ND READING PASSED	96	3
2/15	3RD READING PASSED	93	5
	TRANSMITTED TO SENATE		
2/17	FIRST READING		
2/17	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/06	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED		
3/12	2ND READING CONCURRED	50	0
3/13	3RD READING CONCURRED	49	1
	RETURNED TO HOUSE		
3/15	SIGNED BY SPEAKER		
3/15	SIGNED BY PRESIDENT		
3/17	TRANSMITTED TO GOVERNOR		
3/20	SIGNED BY GOVERNOR CHAPTER NUMBER 119 EFFECTIVE DATE: 10/01/97		

House BILL NO. 385

INTRODUCED BY McCulloch Van Valkenburg Clark

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING WHEN A DRIVER BEING OVERTAKEN BY A VEHICLE ON THE LEFT SHALL GIVE WAY TO THE RIGHT; ALLOWING FOR A LEFT TURN INTO A PUBLIC OR PRIVATE PARKING LOT OR A ROADWAY ACROSS DOUBLE YELLOW LINES UNDER CERTAIN CONDITIONS; AND AMENDING SECTIONS 61-8-323 AND 61-8-328, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-323, MCA, is amended to read:

"**61-8-323. Overtaking a vehicle on ~~the~~ left.** The following rules ~~shall~~ govern the overtaking and passing of vehicles proceeding in the same direction, subject to ~~those~~ the limitations, exceptions, and special rules ~~hereinafter stated~~ provided in this part:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left ~~thereof~~ of the other vehicle at a safe distance and ~~shall~~ may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle ~~on~~ upon an audible signal or the use of signal lamps, as provided in 61-9-218, and ~~shall~~ may not increase the speed of ~~his~~ the vehicle until completely passed by the overtaking vehicle. When giving way to the right on a two-lane highway, ~~he~~ the driver of the vehicle being overtaken may travel upon the shoulder at a safe speed until passed if the shoulder is wide enough and is in a condition allowing safe travel."

Section 2. Section 61-8-328, MCA, is amended to read:

"**61-8-328. Driving on roadways laned for traffic.** Whenever ~~any~~ a roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all ~~others~~ other consistent ~~herewith~~ rules, ~~shall~~ apply:

(1) A vehicle ~~shall~~ must be driven as nearly as practicable entirely within a single lane and ~~shall~~ may not be moved from ~~such~~ the lane until the driver has first ascertained that ~~such~~ the movement can be made

with safety.

(2) Upon a roadway ~~which~~ that is divided into three lanes, a vehicle ~~shall~~ may not be driven in the center lane except:

(a) when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance~~, or~~;

(b) in preparation for a left turn; or

(c) ~~where such~~ when the center lane is at the time allocated exclusively to traffic moving in the direction that the vehicle is proceeding and is signposted to give notice of ~~such~~ the allocation.

(3) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. ~~and drivers~~ Drivers of vehicles shall obey the directions of every ~~such~~ official sign that designates use of specific lanes.

(4) A person may turn a vehicle left across a lane marked with two yellow lines into a public or private parking lot or a roadway if the turn can be made safely and if the person does not hinder the flow of traffic."

-END-

HOUSE BILL NO. 385

INTRODUCED BY MCCULLOCH, VAN VALKENBURG, CLARK

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING WHEN A DRIVER BEING OVERTAKEN BY A VEHICLE ON THE LEFT SHALL GIVE WAY TO THE RIGHT; ALLOWING FOR A LEFT TURN INTO A PUBLIC OR PRIVATE PARKING LOT OR A ROADWAY ACROSS DOUBLE YELLOW LINES UNDER CERTAIN CONDITIONS; AND AMENDING SECTIONS 61-8-323 AND 61-8-328, MCA."

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"**61-8-323. Overtaking a vehicle on ~~the~~ left.** The following rules ~~shall~~ govern the overtaking and passing of vehicles proceeding in the same direction, subject to ~~those~~ the limitations, exceptions, and special rules ~~hereinafter stated~~ provided in this part:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left ~~thereof~~ of the other vehicle at a safe distance and ~~shall~~ may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle ~~on~~ upon an audible signal or the use of signal lamps, as provided in 61-9-218, and ~~shall~~ may not increase the speed of ~~his~~ the vehicle until completely passed by the overtaking vehicle. When giving way to the right on a two-lane highway, ~~he~~ the driver of the vehicle being overtaken may travel upon the shoulder at a safe speed until passed if the shoulder is wide enough and is in a condition allowing safe travel."

Section 2. Section 61-8-328, MCA, is amended to read:

"**61-8-328. Driving on roadways laned for traffic.** Whenever ~~any~~ a roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all ~~others~~ other consistent ~~herewith~~ rules, ~~shall~~ apply:

(1) A vehicle ~~shall~~ must be driven as nearly as practicable entirely within a single lane and ~~shall~~ may not be moved from ~~such~~ the lane until the driver has first ascertained that ~~such~~ the movement can be made

with safety.

(2) Upon a roadway ~~which~~ that is divided into three lanes, a vehicle ~~shall~~ may not be driven in center lane except:

(a) when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance~~, or~~;

(b) in preparation for a left turn; or

(c) ~~where such~~ when the center lane is at the time allocated exclusively to traffic moving in direction that the vehicle is proceeding and is signposted to give notice of ~~such~~ the allocation.

(3) Official signs may be erected directing slow-moving traffic to use a designated lane designating those lanes to be used by traffic moving in a particular direction regardless of the center of roadway, ~~and drivers~~ Drivers of vehicles shall obey the directions of every ~~such~~ official sign that designates use of specific lanes.

(4) A person may turn a vehicle left across a lane marked with two yellow lines into a public or private parking lot or a roadway if the turn can be made safely and if the person does not hinder the movement of ONCOMING traffic."

-END-

HOUSE TRANSPORTATION

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
HB0267	MASOLO, GAY ANN	LIABILITIES AND RESPONSIBILITIES ASSOCIATED WITH AMUSEMENT RIDES				
	1/15	1/29		PASS AS AMENDED 02/19 VOTE: 15-0		2/20
HB0290	HARPER, HAL	PROHIBIT LITTERING WITH BURNING MATERIAL AND DUMPING ASHTRAYS				
	1/17	1/29		DO PASS 02/03 VOTE: 15-0		2/04
HB0320	ANDERSON, SHIELL	UTILITY RELOCATION REIMBURSEMENT				
	1/22	1/31		PASS AS AMENDED 01/31 VOTE: 17-0		2/03
HB0326	BRAINARD, MATT	URBAN TRANSIT ZONES				
	1/23	2/07		TABLED ON 02/10 VOTE: 15-0		
HB0336	BOHLINGER, JOHN	VENDING MACHINES AT REST AREAS				
	1/23	2/07		TABLED ON 02/17 VOTE: 14-4		
HB0353	BOHLINGER, JOHN	REQUIRE DRIVING WITH HEADLIGHTS ON AT ALL TIMES OUTSIDE CITY OR TOWN				
	1/25	2/07		TABLED ON 02/10 VOTE: 15-0		
HB0362	ANDERSON, SHIELL	MDT TO EXCHANGE ROAD MAINTENANCE DUTIES WITH LOCAL AND TRIBAL GOVERNMENTS				
	1/25	2/05		PASS AS AMENDED 02/19 VOTE: 13-5		2/20
HB0363	ANDERSON, SHIELL	ALLOW MDT AND LOCAL GOVERNMENTS TO EXCHANGE MAINTENANCE RESPONSIBILITIES				
	1/25	2/05		DO PASS 02/17 VOTE: 18-0		2/18
HB0385	MCCULLOCH, LINDA	REVISE PASSING LAWS				
	1/28	2/07		PASS AS AMENDED 02/10 VOTE: 16-0		2/12
HB0400	HAGENER, TONI	BOY SCOUT AND GIRL SCOUT LICENSE PLATES				
	1/30	2/10		TABLED ON 03/10 VOTE: 13-4		
HB0418	ELLINGSON, JON	GENERALLY REVISE SLOW-MOVING VEHICLE LAWS				
	2/01	2/12		TABLED ON 02/17 VOTE: 18-0		
HB0423	KRENZLER, BILLIE	PROTECTION OF HIGHWAY WORKERS IN HIGHWAY CONSTRUCTION ZONE				
	2/01	2/12		PASS AS AMENDED 02/17 VOTE: 16-2		2/18

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By Chairman Shiell Anderson, on February 7, 1997, at 3:05 P.M., in Room 420

ROLL CALL

Members Present:

Rep. Shiell W. Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Matt Brainard (R)
Rep. Bob Clark (R)
Rep. Charles R. Devaney (R)
Rep. David Ewer (D)
Rep. H.S. "Sonny" Hanson (R)
Rep. Marian W. Hanson (R)
Rep. Rod Marshall (R)
Rep. Gerald Pease (D)
Rep. William M. "Bill" Ryan (D)
Rep. Dorothy C. Simpson (D)
Rep. Bill Whitehead (D)

Members Excused: Rep. Rod Bitney
Rep. Jack Wells

Staff Present: Leanne Kurtz, Legislative Services Division
Mary Lou Schmitz, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 326 - 2-5-97
HB 336 - 2-5-97
HB 353 - 2-5-97
HB 385 - 2-5-97

HEARING ON HB 336

"AN ACT ALLOWING THE DEPARTMENT OF TRANSPORTATION TO NEGOTIATE AGREEMENTS WITH SOFT DRINK BOTTLERS TO INSTALL VENDING MACHINES AT ESTABLISHED REST AREAS; AND PROVIDING FOR THE DISPOSITION OF PROCEEDS."

Sponsor: Rep. John Bohlinger, HD 14

{Tape: 1; Side: A; Approx. Time Count: 70.6; }
Questions From Committee Members and Responses: Reps. Barnett, Jore, Marian Hanson, Clark, Brainard, Anderson.

Responses by Rep. Bohlinger; Col. Reap;

{Tape: 1; Side: A; Approx. Time Count: 85.4; }
Closing by Sponsor: Rep. Bohlinger closed the Hearing on HB 353.

HEARING ON HB 326

"AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS TO ESTABLISH URBAN TRANSIT ZONES THAT PROVIDE SPEED LIMITS SUITABLE FOR HIGH DENSITY COMMUTER TRAFFIC ON PUBLIC ROADS IN THE COUNTY; PROVIDING FOR ENFORCEMENT OF SPEED LIMITS IN URBAN TRANSIT ZONES; ESTABLISHING A FINE SCHEDULE FOR VIOLATION OF A SPEED LIMIT IN AN URBAN TRANSIT ZONE; DIRECTING THE MONEY COLLECTED FROM FINES TO THE COUNTY GENERAL FUND;"

Sponsor: Rep. Matt Brainard, HD 62.

{Tape: 1; Side: A and B; Approx. Time Count: 86.6 - 4.3; }
Opening Statement by Sponsor: Rep. Brainard said the Bill would provide speed limits suitable for high density commuter traffic on public roads.

{Tape: 1; Side: B; Approx. Time Count: 4.3; }
Proponents: None

{Tape: 1; Side: B; Approx. Time Count: 4.5; }
Opponents: Gary Gilmore, Director, Engineering Division, Montana Department of Transportation.

Tim Reardon, Chief Counsel, Department of Transportation.

{Tape: 1; Side: B; Approx. Time Count: 13.0; }
Questions From Committee Members and Responses: Reps. Ewer, Bookout, Simpson, Galvin, Clark, Marshall, Anderson, Jore.

Responses by Tim Reardon, Gary Gilmore, Rep. Brainard.

{Tape: 1; Side: B; Approx. Time Count: 38.8; }
Closing by Sponsor: Rep. Brainard closed the Hearing on HB 326.

HEARING ON HB 385

"AN ACT CLARIFYING WHEN A DRIVER BEING OVERTAKEN BY A VEHICLE ON THE LEFT SHALL GIVE WAY TO THE RIGHT; ALLOWING FOR A LEFT TURN INTO A PUBLIC OR PRIVATE PARKING LOT OR A ROADWAY ACROSS DOUBLE YELLOW LINES UNDER CERTAIN CONDITIONS;"

{Tape: 1; Side: B; Approx. Time Count: 39.5; }
Sponsor: Rep. Linda McCulloch, HD 70.

Opening Statement by Sponsor: Rep. McCulloch opened the Hearing on HB 385.

{Tape: 1; Side: B; Approx. Time Count: 47.5; }
Proponents: Col. Craig Reap, Montana Highway Patrol. **EXHIBIT 4.**

{Tape: 1; Side: B; Approx. Time Count: 50.9; }
Opponents: None

{Tape: 1; Side: B; Approx. Time Count: 51.2; }
Questions From Committee Members and Responses: Rep. Sonny Hanson.

Responses by Col. Craig Reap.

{Tape: 1; Side: B; Approx. Time Count: 52.7; }
Closing by Sponsor: Rep. McCulloch closed the Hearing on HB 385.

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **SENATOR BOB DEPRATU**, serving as Chairman, on March 6, 1997, at 3:10 pm, in Room 410

ROLL CALL

Members Present:
Sen. Arnie A. Mohl, Chairman (R)
Sen. Mack Cole, Vice Chairman (R)
Sen. Larry Baer (R)
Sen. Bob DePratu (R)
Sen. John R. Hertel (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Barry "Spook" Stang (D)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Services Division
Phoebe Kenny, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 320 and HB 385; Posted 2-22-97
Executive Action: HB 385

HEARING ON HB 385

Sponsor: **REPRESENTATIVE LINDA MCCULLOCH, HD 70, Missoula**

Proponents: None

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE LINDA MCCULLOCH, HD 70, Missoula, House Bill 385 brings up to date some laws that were a little out of date. This

bill has two changes. On page 1, lines 19 and 20, the original law said that when you were passing a vehicle on the right that you just had to give an audible signal, and we are adding the use of a signal lamp. On page 2, lines 13 through 15, what we added here is that you may turn a vehicle left across the lane marked with two yellow lines into a public or private parking lot or roadway if the turn can be made safely and the turn does not hinder oncoming traffic. Those are the only changes and I will be here to answer questions.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR RIC HOLDEN, on page 1, line 20 where you change the word from "shall" to "may". In what cases are do you think that the guy you are overtaking may want to increase the speed?

Connie Erickson, in the bill drafting manual "may" not is the same as "shall". We use "may" instead of "shall".

Closing by Sponsor:

REPRESENTATIVE MCCULLOCH, thank you, I hope you pass this bill.

HEARING ON HB 320

Sponsor: **REPRESENTATIVE SHIELL ANDERSON, HD 25 Livingston**

Proponents:

Gary Wiens, Montana Electric Co-Ops
Chris Booth, MT Rural Water
Joan Mandeville, Montana Telephone Association
Mike Strand, Montana Independent Telecommunications Systems
Glen Wheeler, Montana Power Company
Jim Paiadichak, M.D.U.
Gary Gilmore, Montana Department of Transportation

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE SHIELL ANDERSON, HD 25, Livingston, I have a bill here that is a product of a lot of discussion by a task force that was put together by the Legislative Audit Divisions performance audit report of the Department of Transportation and the relocating of utilities on our highway rights-of-way. **(EXHIBIT 1).**

SENATOR JERGESON, how did you determine 500 hookups was the appropriate cut off point, for 100% reimbursement?

Bob Fisher, MT Department of Transportation, we picked a number that we thought would be fair. We thought that anything over 500 would probably have the ability to pay the 25% relocation cost.

SENATOR REINY JABS, this task force, was it developed mainly for this reason?

REPRESENTATIVE ANDERSON, yes.

SENATOR ARNIE MOHL, when we move the utilities, do we replace them in-kind or do we give them new structures?

Gary Gilmore, We pay for the value of the existing structure, to move it. Any improvement that the utility elects to do they pay for themselves.

Closing by Sponsor: **REPRESENTATIVE ANDERSON,** this came through the house very fast with almost 100% approval. I hope that you can pass it through. Thank you.

EXECUTIVE ACTION ON HB 385

Motion/Vote: **SENATOR LINDA NELSON MOVED CONCURRENCE WITH HB 385. CARRIED UNANIMOUSLY.**